

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re:	Halbert <i>et al.</i>	Confirmation No.	3177
Appl. No.:	10/657,404	Group Art Unit:	1652
Filed:	September 8, 2003	Examiner:	Robinson, Hope A.
For:	NON-NATURALLY OCCURRING LIPOPROTEIN PARTICLE		

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION UNDER 37 C.F.R. 1.181 TO WITHDRAW HOLDING OF ABANDONMENT
IN ACCORDANCE WITH MPEP §711.03(C) AND 1156 O.G. 53**

Sir:

As set forth in MPEP § 711.03(c) and 1156 O.G. 53, Applicants hereby petition to have the holding of abandonment of the above-identified application withdrawn. The application was held to be abandoned for failure to respond to an Office Action mailed October 2, 2007. The following materials are submitted in support of Applicants' petition:

1. a copy of the outside front cover of the file jacket maintained by us for the above-identified application; and
2. a copy of our Docket Control Sheet for the application.

The Office Action of was not received by us. The undersigned attorney for Applicants has made a search of the file jacket and docket records associated with the above-identified application, and that search indicates that the Office Action mailed October 2, 2007 was not received by us. A search of PAIR shows the Office Action was returned to the Patent Office by the U.S. Postal Service for unknown reasons as the address of "Alston & Bird LLP, Bank of America Plaza, 101 South Tryon Street, Suite 4000, Charlotte, NC 28280-4000" as it appears on the Office Action is correct. Upon examining the return envelope shown in PAIR, it appears the Office Action may have been in the envelope with the address not appearing in the window of the envelope.

Our regular routine followed in all applications prosecuted in the United States Patent and Trademark Office is to enter Office Actions received from the Patent Office on the front outside

cover of the file jacket, as well as on a separate Docket Control Sheet, when the Office Actions are received. The copy of the front outside cover of the file jacket in the above-identified application and the copy of the Docket Control Sheet both show that the Office Action of October 2, 2007 was not entered, thus indicating that the Office Action was not received.

In view of the foregoing remarks and the enclosed evidence indicating that the Office Action was not received, Applicants respectfully request that the instant petition be granted and that the holding of abandonment of the application be withdrawn.

It is believed that the present petition is treated as a petition under 37 C.F.R. 1.181, and that no fee is applicable. However, if any fee is due, please charge the fee to our deposit account No. 16-0605.

Respectfully submitted,

/edward r. ergenzinger/

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ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON May 8, 2008.

PCT/0997/02010 9-25-97 PATENT DOCKET CONTROL SHEET

CLIENT NAME: ERLIKSHANK & FAIRWEATHER *Marko's Clerk* FILE NO.: 031749/268956DATE OPENED: September 2, 2003ATTORNEY(S): Jason Cooper; **ERE**RELATED MATTER: 031749/178215 FOREIGN PRIORITY COUNTRY: PCT FOREIGN PRIORITY DATE: 09-25-1997MATTER TITLE: NON-NATURALLY OCCURRING LIPOPROTEIN PARTICLEINVENTORS: Gavin William HalbertASSIGNEE: UNIVERSITY OF STRATHCLYDERECORDATION DATE: 7-16-2004 REEL: 014862 FRAME: 0524

REMARKS:

SEARCH INFORMATION

SEARCH AUTHORIZED (DATE):

SEARCH INSTITUTED (DATE):

SEARCH COMPLETED (DATE):

REPORTED TO CLIENT (DATE):

FAVORABLE: ☐ YES ☐ NOIF UNFAVORABLE: ☐ REMOVE ☐ RETAIN

CLIENT FOLLOW-UP (DATE):

APPLICATION PREPARATION INFORMATION

APPLN. AUTHORIZED (DATE):

DRAWINGS REQUIRED: ☐ YES ☐ NO

TO BE FILED (DATE):

APPLN. TO CLIENT (DATE):

QC COMPLETED: ☐ YES ☐ NOAPPLICATION TO PTO (DATE): 9-8-2003PRIOR ART FILED (DATE): 9-8-2003SMALL ENTITY: ☐ YES ☒ NO**PROSECUTION INFORMATION**SERIAL NO.: 10/657,404

FOREIGN FILING AUTHORIZED:

☐ YES ☐ NO

FURTHER FOREIGN CALL-UPS NEEDED:

☐ YES ☒ NOFILING DATE: Sept 8, 2003

FOREIGN DEPT. NOTIFIED:

☐ YES ☐ NO

OFFICIAL ACTION	RESPONSE DUE DATE	RESPONSE FILED
<i>Interview 6-9-2004</i>	<i>8-9-2004</i>	<i>App. DWS, Seq. Drawing & 7-15</i>
<i>Prost. Reg. 9-9-2004</i>	<i>10-9-2004</i>	<i>disc 9-8-2003</i>
		<i>DC: 11/22/04; Seq.</i>
		<i>Writing: Supp. DWS 7-15</i>
		<i>Prost. Reg. 9-9-2004</i>
		<i>1mo EPT 9-9-2004</i>
<i>Rejection 2/11/05</i>		<i>Amendment; Supp. DC; Fees</i>
<i>Response due</i>	<i>10-20-05</i>	<i>Terminal Disclaimer; 2mo EPT</i>
<i>Office Communication 9-20-05</i>	<i>3-29-06</i>	<i>Response to Communication 9-20-05</i>
<i>Rejection 12-29-05</i>	<i>11-7-06</i>	<i>Amendment; 1mo EPT + fee 5-23-06</i>
<i>Office Communication 6-20-07</i>	<i>7-20-07</i>	<i>Amendment; EOT, fee 12-7-06</i>
<i>Interview Summary due</i>		<i>Interview Summary 7-3-07</i>
		<i>REC Filed 4/4/23 7-13-07</i>

DATE OF ALLOWANCE: ISSUE FEE DUE (DATE): ISSUE FEE PAID DATE:

FORMAL DWGS. DUE: DRAWINGS FILED: ABANDONED (DATE):

PATENT NUMBER: ISSUE DATE: PAT. SENT CLIENT (DATE):

MAINTENANCE FEES DOCKETED (DATE):

CLP of 09/26/9,533 filed June 1, 1999
(178215)

ALSTON & BIRD LLP

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Large Entity
031749/203956

CLIENT or TITLE
DIVISION OF
CONTINUATION IN PART OF

INVENTOR Wyn Talbert; Maira D. Owens; George Billie
SERIAL NO. 101657, 204 FILED September 8 2003
TITLE Non-Naturally Occurring Xiprotein Particle

ASSIGNEE University of Strathclyde

ASSIGNMENT RECORDED 7-16-2004 REEL 014862 FRAME 0524

Pub No: US-2004-0235730-A1 Pub Date: 11-25-2004

OFFICE ACTIONS

AMENDMENTS

Missing Parts 6-9-2004	App. IDS; Seg. Listing 9-8-2003
Due 8-9-2004	Dec; Assgmt; Seg Listing
Next Reg 9-9-04 Due 10-9-04	Supp. IDS 7-15-2004
Reg 2-11-05 Due 5-11-05	EOT (1mo); Regpts (Rats Reg) 11
Office Communication 9-20-05	Amendment; Dec; Terminal Disclaimer
- Response due 10-20-05	2mo EOT + Fees 7-7-05
Rejection 12-29-05	Response to office Communication 9-28-05
- Amendment due 3-29-06	Amendment; 2mo EOT + fee 5-23-06
Office Action 8/7/06 due 11-7-06	Amendment + EOT + fee 12-7-06
Office Communication 6-20-07	Interview Summary 7-3-07
- ^{Interview Summary} Amendment due 7-20-07	RCE filed 7-13-07

INVENTOR
CANDIDATE

SERIAL
OTHER 1